

**ATV Advisory Council Meeting
Minutes
October 7, 2005**

The meeting opened at 10:02am. Scott Ramsay did the introductions for those new people who were in attendance. The following were in attendance: Scott Ramsay, Department of Conservation, Off Road Vehicle Division; David Soucy, Director, Department of Conservation; Brian Bronson, ATV Coordinator, DOC, Off Road Vehicle Division; Mark Doty, Plum Creek Timber Co; Jon Olson, Maine Farm Bureau; Scott Nadeau, Maine Recreational Motor Sports; Dan Mitchell, President, ATV Maine; Bill Swan, Inland Fisheries and Wildlife; Carl Campbell, Aroostook Riders ATV Club; Dale Giles (for Dave Anderson), Topsham Trail Riders Club; Charles Corliss, Narraguagus ATV Club; Paul Bernier, Towns of Frenchville & St. Agatha; Joe Benzing, SWOAM; Nat Berry (for Tom Santaguida), Maine Warden Service; Nancy Sferra, The Nature Conservancy; Major Tim Acerno, from New Hampshire's Inland Fisheries Department joined the meeting to discuss NH approach to Trail Passes or Discount Registration Cards.

10:10am- Dan Mitchell opened the meeting. The minutes were accepted as written. The first item on the agenda was to discuss the trail pass or club member registration discount. At this time, Dan passed the floor to Tim so that he could present NH information regarding this issue.

10:15am- Tim told the group what NH has set in place. Tim explained that the NH Snowmobile Association found a sponsor to write and submit the bill for a discount registration for members of Snowmobile Clubs. The law states that the individual must show proof of membership at the time of registration. Discussion followed on how this was done. Who issues and tracks these membership cards? Tim pointed out that it took considerable time to implement this system since the Fish and Game had to rewrite the program for registering sleds in order to accommodate this task. It would take the support of IF&W if we were to go forward with this idea. Some of the positive effects from NH implementing this was that the increase in memberships to clubs helped provide additional money directly to the clubs. Some of the issues NH has faced are making sure there are open communication between the Snowmobile association and the Fish and Game Department. The issuing of cards/ showing cards at registration was challenging in the beginning, however now that the law has been in place for three years, the bugs have been worked out and club members expect to show it at registration and are generally ready to do so. For some clubs their memberships have increased so much that it has been very difficult to track all of the members. In order to spread out the club memberships, NH implemented a "Join where you ride" program to encourage joining clubs in the area they actually visit and ride. This prompted a discussion on how to avoid these problems as well as what can be done to help clubs deal with the increased volume of members. Dan suggested that ATV Maine would have to plan to hire a full time employee to manage a database for all of the clubs to use to help administer club membership cards and members.

NH has not implemented this program for the ATV riders since the ATV clubs are not yet developed in sufficient numbers, but NH does plan to support ATV clubs with the same registration discount program once they are ready to move forward with this. Another issue that sometimes arises is the lag time between when a member joins a club and when they get their card so they can register their vehicle. This is something ATV Maine will have to address with its administration. Having the club membership year run calendar year may work so that there are several months before the ATV registration renewal is due. NH also passed a law that clubs MUST be a part of the Snowmobile Association; this was to prevent clubs from springing up over night just to collect memberships, but not to actually have trails and be a "real" club.

Dan feels that clubs that don't belong to ATV Maine should still get discounts. Discussion continues about having discounts for club registered with DOC. ATV Maine can make it's services very valuable to clubs by offering insurance paperwork, incorporation help, database help to make it enticing enough for them to join without making it mandatory.

NH did not go to a trail pass because there was a serious concern for higher expectations of quality trails and increased liability exposure. NH primary purpose for going to higher fee/join club discounts was to get more money for trails and running clubs. 87% of registered snowmobiles join clubs.

Some of the major disadvantages of having a discount is there is often some confusion with registration since the member of a club must have the membership card at the time of registration in order to receive the discount. People tend to take their frustrations out on the agent who is registering the vehicle, causing some agents to stop wanting to deal with the whole process all together, which makes it counter productive for the state since we do want to make this process as easy and convenient as possible. They did a public relations campaign to educate people before implementing the program, however it was still about 2 years before the process was accepted. Clubs set up registration tables at agent's locations during peak seasons to make the process easier.

There is also an added administrative work for clubs, some clubs have found that is it so great that it takes a full time employee to handle the increase in members, in NH they had a drop in the number of clubs because they just could not handle that extra work. This would be a huge problem if it happened in Maine since we need the clubs in order for the trail system to be successful. IF&W pointed out that clubs can be agents and that dealers could be agents as well. Scott Nadeau thought this would be a great opportunity for dealers around the state since many people come to his business for "one stop shopping". Dealers could also work with the local clubs to run promotions to join clubs when purchasing an ATV. Customers are also going to dealers to find out where to ride as well as find out what is going on in the ATV community. The dealer network is a really great resource and should be utilized to help promote these new ideas and plans.

Another concern is how many people would request a rebate after the fact. Realizing that there is an issue for Maine with registration timing. This is another issue that would need to be addressed. NH doesn't give out any rebates. If you don't have a membership card you don't get the discount.

Currently Maine ATV registrations appear to be down about 50% year to date compared to last year at this time. It could fluctuate back up when more registrations come in from agents around the State, but there is a real possibility that the changes in the law or the increase in gas prices have hurt the ATV sales this year. It also could be a result in people not having places to ride ATV's.

The next discussion covered what "family memberships" include, and who would be included in a family membership. The membership cards could say "family" on them and could list the members of the family so that there would not be confusion when registering an ATV. Along the same line, the issue was brought up about landowners and if they should be "forced" to join clubs, however it was suggested that landowners be given a free membership to a club since they let them use the land... NH does this as well.

This program would not be implemented until at least 2007 so there would be time to set up databases and administration for this program, as well as a public campaign to help educate the riders in Maine of this new program.

Some discussion followed on Trail Passes; Vermont has a trail pass system, which is very difficult to enforce; it also makes it less likely for the public to join a club and become

educated on proper riding etiquette. There is no incentive to join a club if you just need a trail pass. They have contracted with the Vermont State Police for enforcement.

In NH they did lose some dealers as agents since they would have to deal with some very rude “pass through” customers. But Scott Nadeau feels that if dealers were registration agents they would have an opportunity to help educate the customers. One pit fall could be that they would run out of stickers for registrations, but that may be something that is an easy fix, since the agents would receive a certain number of registration stickers (which they do not have to pay for up front, unlike the temp plates many of them currently use) then they would just have to be sure to track the inventory of stickers.

Towns sell registrations/Licenses as a service, but not normally as a way to raise money for them. The point is brought up once again that we would need time to implement and to educate the public on the process as well as the costs involved in creating and maintaining trails in Maine. The message needs to get out on registration, where trails are, and how many miles of trails we actually have.

Some other questions we need to think about are; how do non-resident weekend/ day riders register? How do we address non-residence? Do we have one fee for resident and for non-residents? Even though some feel there is not a real practical reason to charge non-residents more, others feel there would be a lot of discontent from locals if the registration fees were the same for non-residents.

NH also has a part of the registration fees go to a Land acquisition fund and a Law enforcement fund. Something Maine may also want to consider.

12:00pm- break for lunch. During lunch, URSIS presents the latest production they have been working with the Off-road Vehicle Division on called “trails to the future”. This very informative video addresses many of the concerns and questions that are being raised regarding ATV use in Maine.

12:45-The meeting is brought back to order. Moving on to Access issues for trails. Mapping issues, numbering trails, where to ride, how to distribute information about the trails is a concern for all. The internet is one tool that could be utilized better.

ATV Revocations were the next item on the agenda for today’s meeting. Lt. Nat Berry shared information about the ATV revocations so far this year, and some of the issues in the law. There have been 31 ATV revocations, not all were due to trespass issues. The law requires a revocation of their licenses (hunting, fishing, etc)...for several offenses. In order to get the license back the individual must take an ethics course. There is not a specific time frame for this to take place, as soon as the ethics course is completed, the licenses are reinstated. Currently there are only about 6 ethics courses offered during the year. The violation that has been written most this year is unregistered ATVs.

Next on the Agenda were Current Age restrictions; Mike Sawyer from Fish & Wildlife Safety joined us to discuss age restrictions. Under 18 must wear a helmet while riding, under 16 they must have a safety-training course before they can ride, and under 10 are not allowed to ride an ATV off their parent/guardian land. The question is should we move the ages up, for example, making it mandatory for those riders under 18 to take a safety course. Another issue is should minors under 14 be allowed to cross roads? Discussion followed regarding making the ATV and Snowmobile laws the same, to do this, the ATV law would actually have to become less restrictive. It is agreed that ATV & Snowmobile laws should be consistent, IF&W has taken initiatives to make this happen, however it has not been totally supported. One of the problems IF&W has is trying to accommodate the safety classes for the increased numbers. Last year, there were 135 classes and 350 students, this year, it has increased to 1700 students, and they have less money to run

these courses. Something will need to change if the age restrictions are implemented. It is the opinion of IF&W that a phase in program would need to implement the law changes. Most reported accidents involve riders who are between the ages of 10-20. It was the opinion of Mike Sawyer that this number could be slightly skewed since it is more likely a parent would report an accident with a child and seek medical attention for that child, than it would be for an adult to do the same thing. Lt. Berry said that most landowner permission violations have been between the ages of 15-20.

Another question to address with a required safety training class would be how to handle out of state riders? Would they have a course that would be equivalent and accepted here? We would need to have reciprocity for safety training courses in order for this to work. Another age issues is allowing kids to cross a highway, and should they be allowed to @ 14 if they have taken a safety course.

Another discussion followed comparing the snowmobile and the ATV laws for riding. The question was raised as to who is considered an "adult" as in "must be accompanied by an adult" the ATV law book states the definition of an adult as a parent or guardian over the age 21. Snowmobile law doesn't seem to address it. This topic will be discussed even further at the next advisory meeting on October 28th.

There needs to be an evaluation of having options for revoking licenses since law says until ethics course is taken. Should it be considered to have it taken for a period of time? We will need to make a recommendation. Currently the law states the license SHALL be revoked, however it is not stated that the Warden MUST give a ticket, sometimes it is necessary to make discrepancies on a case by case situation. Wardens can decide to give a verbal warning, written warning, or a ticket, at which point, licenses will be revoked. The intent of the law was to make it a civil violation, however in doing this there was a lot of confusion about the law. At this point it was decided to cease discussion so it could be discussed further at the next meeting when the rest of the council would be in attendance.

Scott Ramsay took a few minutes at the end of the meeting to discuss internal ORV staffing issues. He went over the handout that shows the "staffing tree" and what everyone in the ORV division is responsible for. Scott pointed out that there is a lot of time consuming administrative as well as fieldwork. The ORV staff has recently been pulled into dealing with large landowner issues, which is going to require us to begin to issue permits for trail use. The ORV staff will need to manage landowner, abutter and license issues with a staff that is already stretched.

The next meeting will be in the Bangor Parks and Lands Office, off the Hogan road in Bangor from 10-3, lunch will be served. Directions attached.